

ANDHRA PRADESH SANDAL WOOD AND RED SANDALS WOOD TRANSIT RULES, 1969

CONTENTS

1. Short title
2. Definitions
3. Conditions for Import, Export and Movement
4. Form of permits
5. Issue of permits
6. Checking of permits
7. Use and Registration of property marks
8. .
9. Exemption of small quantities of sandal wood or red sanders wood carried by a bonafide traveller or cut and carried by ryots for their own use
10. .

ANDHRA PRADESH SANDAL WOOD AND RED SANDALS WOOD TRANSIT RULES, 1969

In exercise of the powers conferred by Section 29 read with Section 68 of the Andhra Pradesh Forest Act, 1967 (Act 1 of 1967) and of all other powers hereunto enabling and in supersession of all previous notifications and rules on the subject, the Governor of Andhra Pradesh hereby makes the following rules to regulate the transit of sandal-wood and red sanderswood in the State.

1. Short title :-

These rules may be called the Andhra Pradesh SandalWood and Red SandersWood Transit Rules, 1969.

2. Definitions :-

In these rules, unless the context otherwise requires

[(i) "Check Post" means any check post set up or barrier erected under Rule 13 of the Andhra Pradesh Forest Produce Transit Rules, 1970]

(ii) 'Form' means a Form appended to these rules.

3. Conditions for Import, Export and Movement :-

(1) No person shall import sandalwood, sandalwood chips,

sandalwood powder or redsanders wood, red sanderswood chips, redsanders wood powder into, or export sandal wood, sandalwood chips, Sandal wood powder or red sanders wood, redsanderswood chips, red sanderswood powder from, or move sandal wood or red sanders wood within, any place in the whole of the State, unless such sandalwood or redsanders wood is accompanied by a permit prescribed in Rule 4.

(2) No piece of the wood and other materials specified in sub-rule (1) or bags containing saw dust or chips of such wood shall be transported unless they bear an authorised marking or seal of the Government as provided in Rule 7.]

4. Form of permits :-

(1) In the case of sandal wood or red sanders wood purchased from Government, the permit shall be in Form1.

(2) In the case of sandal wood or red sanders wood purchased at the Government sale depots in any other State and imported into this State, the permit shall be that used by the Government of that State or any authority in that state responsible for the sale of sandal wood or red sanders wood in that State and such permit shall be valid only for transport of the sandal wood or red sanders wood to the destination specified therein

[(3) In the case of sandal wood or red sanders wood other than that referred to in sub-rules (1) and (2) or in the case of subsequent movement of the same sandal wood or red sanders wood referred to in sub-rules (1) and (2) the permit shall be in Form- II.

(4) The quantity of sandal wood should be noted in detail in the permit, namely, the number of pieces, measurement of each piece, quality according to the standard classification and weight of each piece/quality.]

5. Issue of permits :-

(1) Permits in Form-I shall be in quadruplicate and shall have all columns filled up by the Divisional Forest Officer or a subordinate officer duly authorised by him in this behalf. The Divisional Forest Officer or the subordinate officer so authorised, as the case may be shall handover the original permit to the purchaser, send the duplicate to the Range Officer and the triplicate to the concerned

Divisional Forest Officer at destination by Registered Post with acknowledgement due before movement of the consignment and retain the quadruplicate as counterfoil for record in his office.

(2) Permits in Form-II shall be in quadruplicate and shall have all columns filled up by the Divisional Forest Officer or a subordinate officer duly authorised by him in this behalf. The Divisional Forest Officer or the subordinate officer so authorised, shall handover the original permit to the purchaser, to remove the sandal wood or red Sander wood, send the duplicate to the Range Officer and the triplicate to the concerned Divisional Forest Officer at destination by Registered Post with acknowledgement due before movement of the consignment and retain the quadruplicate as counterfoil for record in his office.

(3) For supply of Forms-I or II permits in quadruplicate, [a rate of Rs.10-00 per 100 permits] shall be charged. All permits so issued shall bear the seal of Divisional Forest Officer.

6. Checking of permits :-

(1) All sandal wood or red sanders wood, as the case may be, in transit shall be produced for examination at every checking station enroute even without being asked by any officer for it or when called upon to do so.

(2) The Officer in-charge of the checking station shall, after satisfying himself that the sandal wood or the red sanders wood, as the case may be, has actually come from the place and is of the kind, stated in the permit issued by the concerned State Government or by any authority empowered in this behalf, and the permit is in Form I or Form II, as the case may be, and is not in excess of the quantity specified therein, endorse on the permit suitably in token of having passed the consignment and also make necessary entries in the register maintained at the checking station for this purpose. If the officer-in-charge of the checking station is not so satisfied and refuses to endorse in token of passing the consignment, he shall retain the sandal wood or the red sanders wood, as the case may be, and the permit of the concerned State Government or the permit in Form I or Form II, as the case may be, and report the case for orders of the Divisional Forest Officer having jurisdiction over the area stating clearly his reasons for the action taken.

(3) The quantity of sandal wood or red sanders wood, as the case

may be, in transit shall not be [more] than that entered in the permit and if it is less, the same permit shall not be used again to cover the deficiency.

(4) The permits referred to in the preceding rules shall, in the case of the imported sandal wood or red sanders wood and sandal wood or red sanders wood for export, be produced with the sandal wood or the red sanders wood, as the case may be, for examination at every checking station enroute which the sandal wood or the red sanders wood may be taken.

(5) Any Revenue Officer not below the rank of a Revenue Inspector in charge of a Firka or any Police Officer in uniform, not below the rank of a Head Constable or any Forest Officer not below the rank of a Forest Guard or Thanadar or the officer or other subordinate in charge of a checking station may stop any vehicle reasonably suspected of carrying sandal wood or red sanders wood, as the case may be, for checking its contents and the permits. and such vehicle shall not proceed therefrom until permitted to do so by the above said officer or subordinate.

Explanation In this sub-rule "vehicle" includes railway vehicle, lorries, stage carriages, contract carriages, motor cars, tractors, motor cycles, cycles hand carts, bullock carts, buffalo carts, horse drawn carriages such as jutkas and rickshaws such as cycle rickshaws autorickshaws and hand pulled rickshaws and other pack animals.

(6) No person shall take any sandal wood or red sanders wood off, or pass it from, any road on which a checking station has been placed with intent to evade the production of the sandal wood or red sanders wood at a checking station.

7. Use and Registration of property marks :-

All sandal wood or red sanders wood imported from other States and all Government sandal wood or red sanders wood disposed off locally shall bear the marks of the Government of origin in the following manner-

(1) Every piece of sandal wood or red sanders wood shall bear [Government mark at the both ends] and in the case of chips and saw dust carried in bags, the latter shall be closed and the fastening sealed with the above mark.

(2)

(a) The Ownership of all sandal wood or red sanders wood grown and moved with in any area in the State shall be indicated by a property mark affixed in the manner provided in clause (b)

(b) All such property marks shall be registered at a Divisional Forest Office

(i) in accordance with the provisions of sub-rule (3) if the marks relate to sandal wood or red sanders wood extracted from private lands within the area; and

(ii) in accordance with the provisions of sub-rule (4) if the marks relate to sandal wood or red sanders wood, as the case may be, other than that extracted from private lands within the area.

(c) A fee of Rs. 25 shall be charged in respect of registration or renewal of a property mark.

(3)

(i) Every application for the registration of a property mark in respect of sandalwood or red sanders wood, as the case may be, to be extracted from private lands within the State shall be accompanied by a statement in FormIII/FormIV in which all the particulars therein prescribed shall be furnished to the Divisional Forest Officer concerned and also by six fascimiles of the mark proposed. Form III/Form IV [shall be in writing] and shall be prepared by the applicant.

(ii) [After the receipt of the application referred to in sub-rule 3 (1)], the Divisional Forest Officer or the subordinate authority authorised by him, shall, if he is satisfied that the Government have no interest in the trees, inspect trees, as soon as possible and with the consent of the owner of the land affix the departmental hammer mark on each tree after blazing it at breast height from ground level and issue written permission for the extraction of the trees and grant a certificate of registration of the property mark in Form V for the transport of the trees to a central place in the nearest village for final clearance if to desired by the applicant.

Provided that the Divisional Forest Officer may, by a written order, refuse to give permission for extraction of the trees and to grant the certificate of registration of the property mark if he has reason to believe that the trees belong to Government or that the applicant has committed fraud in respect of such trees [xxx].

[(ii-a) An appeal against any such order of the Divisional Forest Officer may be preferred to the Conservator of Forests concerned within thirty days from the date of receipt of such orders by the aggrieved party and the decision of the Conservator of Forests shall be final]

(iii) Every uprooted sandal wood tree, bearing heart wood shall be cleaned upto its heart wood limits. In so cleaning the uprooted sandalwood tree, the departmental hammer mark at the breast height shall be left in tact and ring of bark and sapwood 5 to 7 centimetres wide surrounding the departmental hammer marks shall be left uncut.

(iv) Red sanders wood tree shall be felled so as to retain the hammer mark on the stool affixed under clause(ii).

(v) Every sandal wood tree so uprooted and cleaned and every red sanders wood tree so cut shall bear its distinct serial number which shall be written legibly in tar any where on it if it has not been cut up into pieces [or when it has been cut up into roots and pieces or billets, all parts of such tree so cut up shall bear at their cut ends, the original serial number assigned to the tree so as to admit of identification and check subsequently by the Divisional Forest Officer or his subordinates, authorised by him in this behalf.]

(vi) The exact situation of the land where each of the sandal wood trees containing heart wood was extracted shall be indicated on the ground by a stout numbered peg which shall be well-driven home in the pit formed in the process of uprootal; the number on the peg being the same as that written on the wood concerned. Such pegs shall be retained until such time as the Divisional Forest Officer or his [subordinate authorised by him] checks the sandal-wood and verifies the locality of the fellings.

(vii)

(a) the heart wood obtained from each of the sandalwood trees shall thereafter be weighed and the result recorded in the statement in Form VI [xxx] with an abstract in the remarks column showing the total number of sander wood trees extracted and cleaned, their total out-turn expressed in number of pieces (roots, billets separately,) and the aggregate of all pieces in respect of which the registration of the property mark is desired.

(b) The midgerth measurements and the length of each stem and

billet obtained from each red sanders wood tree so cut shall be recorded in the statement in Form VII indicating the number of billets obtained from each of such red sanders wood trees with an abstract in the remarks column showing the total number of trees extracts and their total out-turn expressed in number of billets as well as in cubical contents in respect of which the registration mark is desired.

(c) Form VI/Form VII shall on application be supplied by the concerned Divisional Forest Officer having jurisdiction over the area on payment of fee fixed by the Government, from time to time. No form other than that supplied by the Divisional Forest Officer shall be issued

(viii)

(a) After receipt of the application for the removal of the sandalwood or the red sanders wood, as the case may be, with the statement in Form VI/Form VII containing all the particulars wherein prescribed is received, the Divisional Forest Officer or [any Subordinate Officer authorised by him] in this behalf shall as soon as possible, inspect and identify the sandal wood or red sanders wood, as the case may be, by verifying the girth and the departmental hammer mark put on the standing tree and by assembling all parts of each tree and satisfying himself that the wood is of the same tree that was hammer marked standing and that the details furnished by the applicant in Form VI/Form VII are correct and without error and thereafter mark all sandal wood or the red sanders wood, as the case may be, [at the both ends] with the Divisional pass hammer. Thereafter, the Divisional Forest Officer shall, subject to provisions of sub-clause (b), grant a certificate of registration in Form V with as little delay as possible.

(b) The Divisional Forest Officer or any [subordinate authorised by him] may require from any person, either when presenting a property mark for registration or at any subsequent time, information as to the source of origin and the quantity of sandalwood or red sanders wood, period of felling, agency, routes, depots, destination and such other details regarding his method of felling, trading or working as the Divisional Officer may think necessary . The Divisional Forest Officer may [after giving a reasonable opportunity] by order, refuse registration or cancel the registration of any property mark if the information required is not given or [if he considers that such property mark cannot easily be

distinguished from a Government mark, or from a property mark used by another person] or if he has reason to believe that the person using the property mark is or has been concerned in any illegal practice with regard to the sandal wood or red sanders wood or for any other good and sufficient reason. The reason for such refusal or cancellation shall in every case be recorded by the Divisional Forest Officer may be preferred to the Conservator of Forests concerned within thirty days from the date of receipt of such orders by the aggrieved party and the decision of the conservator of Forests shall be final.

(4)

(a) Every application for the registration of property mark in respect of sandal wood or red sanders wood other than that extracted from private land shall be accompanied by fascimilies of the marks proposed.

(b) After the receipt of the application, the Divisional Forest Officer or the subordinate (xxxx) authorised by him, shall check such sandalwood or red sanders wood, as the case may be, and if the result of checking is satisfactory, the Divisional Forest Officer shall subject to the provisions of sub-clause (b) of clause (vii) of sub-rule (3) grant a certificate of registration in Form V with as little delay as possible.

(c) All the sandalwood or red sanders wood, as the case may be in respect of which a property mark is registered under this sub-rule shall be marked with the Divisional Pass Hammer by the Divisional Forest Officer or by the subordinate [xxxx]authorised by him to do so.

[(4-A.) The pass hammer used on the sandal wood or red sanders wood timber is to be clearly indicated on the permits.]

8. . :-

Date upto which and description and quantity of sandal wood or red sanders wood for which registration of property mark has effect- The registration and each renewal of registration of a property mark shall be valid only in respect of the description and quantity of the sandalwood or the red sanders wood entered in Form V and be in force only from the date of such registration or renewal until the first day of April following unless otherwise stated.

9. Exemption of small quantities of sandal wood or red

sanders wood carried by a bonafide traveller or cut and carried by ryots for their own use :-

Nothing in these rules shall apply to

(a) Sandal wood not exceeding 10Kgs. in weight carried by any bonafide traveller or under his authority for his personal use or

(b) Sandalwood cut and carried by a ryot for his personal use from trees growing on the patta lands of the said ryot or of any neighbouring ryots from whom title to such sandal wood is derived, provided that he obtains a certificate of title from the [village munisff or village patwari] and that the quantity cut and carried on each occasion does not exceed 10Kgs.in weight;

(c) Red sanders wood [and sandal wood] fashioned into dolls, images toys and vessels [and idols of worship of fancy, provided the weight does not exceed 10kgs.]

(d) Red sanders wood cut and carried by a ryot for own use from trees growing on the patta lands of the said ryot or of any neighbouring ryots from whom title to such red sander wood is derived; provided that he obtains a certificate of title from the village munsiff and that the quantity cut and carried on each occasion does not exceed one log 4.50 metres in length 40 Cms. in girth at the butt end.

10. . :-

(1) Special facilities for companies and persons engaged in the Distillation of Sandal wood The Divisional Forest Officer may, in his discretion, include the name of any company or person engaged in the distillation of sandal wood or in the manufacture of any of its by-products, in an approved list to be maintained by him and he may also at his discretion remove the name of any such company or person from such list. The Divisional Forest Officer, may, by written order, exempt, any company or person, whose name is included in the approved list from the provisions of sub-rule (2) of rule 5 in so far as it relates to the retention of sandal wood in custody for purposes of check and from the provisions of clauses (b) and (c) of sub-rule (4) of rule 7 and may cancel any such order. [after giving opportunity to a person of Company in this regard.]

[(2) Any person aggrieved by an order made under sub-rule (1) may within thirty days of service of the order on him prefer an appeal to the conservation of Forests who after giving such person

an opportunity of being heard pass such order as be deems fit]